

railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

(Mar. 3, 1875, ch. 152, § 1, 18 Stat. 482.)

#### REPEAL OF SECTION

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### CROSS REFERENCES

Alaska Right of Way Act, see sections 942-1 to 942-9 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 938, 939, 940, 943, 944 of this title.

### § 935. Several roads through canyons

Any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, on the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway located therein on March 3, 1875, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

(Mar. 3, 1875, ch. 152, § 2, 18 Stat. 482.)

#### REPEAL OF SECTION

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

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#### CROSS REFERENCES

Pueblo Indians of New Mexico, application of section, see section 322 of Title 25, Indians.

Rights of several railroads running through canyons, passes, or defiles under this section made applicable to rights-of-way granted under sections 312 to 318 of Title 25, see section 316 of Title 25.

Rights of several railroads whose track or roadbed runs through canyons, passes, or defiles in Alaska, see section 942-2 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 938, 939, 940, 943, 944 of this title; title 25 section 316.

### § 936. Condemnation of private land

The legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section 3 of the act entitled "An Act to amend an Act entitled 'An Act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,'" approved July 2, 1864 [43 U.S.C. 942-3].

(Mar. 3, 1875, ch. 152, § 3, 18 Stat. 482.)

#### REPEAL OF SECTION

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of this title.

#### CROSS REFERENCES

Condemnation of land in Alaska, see section 942-3 of this title.

Right-of-way for several railroads through canyons, passes, defiles, etc., in Alaska, see section 942-3 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 937, 938, 939, 940, 943, 944 of this title.

### § 937. Filing profile of road; forfeiture of rights

Any railroad company desiring to secure the benefits of sections 934 to 939 of this title, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the officer, as the Secretary of the Interior may designate, of the land office for the district where such land is located a profile of its road; and